

REMARKS

This Response is submitted in reply to the non-final Office Action dated November 8, 2011. Claims 37 to 48 are pending in the present application. Claims 1 to 36 stand previously canceled. Claims 37 to 48 are rejected under 35 U.S.C. §103(a). Claims 35, 41 and 45 are amended herein for clarity. No new matter has been added by these amendments. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. Applicant respectfully submits that the rejections have been overcome, as set forth in detail below.

The Office Action rejected Claims 37 to 48 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2001/0053247 to Sowinski et al (“Sowinski”) in view of U.S. Patent No. 6,821,034 to Ohmura (“Ohmura”) and further in view of U.S. Publication No. 2002/0145755 to Yamazaki et al. (“Yamazaki”).

Applicant has amended Claim 37 to clarify that the plurality of instructions when executed by the at least one processor, cause the at least one processor to operate with the user terminal, the server and the print system to “enable a user to select an image to use for selecting an image-processing mode by enabling a user to select one of: (i) a predetermined sample image stored in the image database, the predetermined sample image being not owned by the user; or (ii) an image stored in the user terminal.” Support for this amendment can at least be found in paragraphs 6, 7, 32 and 33 of the specification. This amendment to Claim 37 clarifies that the print-ordering system first enables the user to select the image used for achieving the mode selection before the mode selection begins. The print-ordering system enables the user to select a sample image or the user’s image stored in the user terminal. This selection determines which image is used for determining the image-processing mode for future, subsequent prints.

Sowinski does not render obvious these elements in combination with the other elements of Claim 37. The Office Action cites to paragraph 127 of Sowinski. Paragraph 127 of Sowinski discloses that a person is presented with multiple renditions of a single scene. This scene used for the process is not selected by the user. That is, in Sowinski, the system selects which image is used for determining the image processing mode.

Sowinski in view of Ohmura in view of Yamazaki does not render obvious, in combination with the other elements of Claim 37, the plurality of instructions when executed by the at least one processor, cause the at least one processor to operate with the user terminal, the

server and the print system to “enable a user to select an image to use for selecting an image-processing mode by enabling a user to select one of: (i) a predetermined sample image stored in the image database, the predetermined sample image being not owned by the user; or (ii) an image stored in the user terminal.”

For at least this reason, it is respectfully submitted that Claim 37 and the claims that depend from Claim 37 are patentably distinguished over Sowinski in view of Ohmura in view of Yamazaki and are in condition for allowance.

Independent Claims 41 and 45 have been amended to include certain similar elements to independent Claim 37. For reasons similar to those discussed above with respect to independent Claim 37, independent Claims 41 and 45 (and dependent Claims 42 to 44 and 46 to 48) are patentably distinguished over Sowinski in view of Ohmura in view of Yamazaki and are in condition for allowance.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance and earnestly solicits reconsideration of same.

Respectfully submitted,

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